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UNITED STATES DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
 DISTRICT OF MASS.

NORMAN ORENTREICH, M.D.,

Plaintiff,

v.

WAYNE RICHARD,

Defendant.

Civil Action No.:

04 - 11349 RGS

MAGISTRATE JUDGE *Bowles*

**COMPLAINT**

Norman Orentreich, M.D., through his counsel, as and for his complaint, alleges as follows:

1. This is an action to recover a loan made by plaintiff to defendant which, despite due demand, remains unpaid.

2. At all times relevant to this action, Norman Orentreich, M.D. ("Dr. Orentreich") was and is an individual residing in the state of New York.

3. At all times relevant to his action, Wayne Richard ("Richard") is an individual residing in the State of Massachusetts.

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1332.

5. Venue properly lies with this Court pursuant to 28 U.S.C. § 1391.

**Count I – Breach of Loan Agreement**

6. On or about March 22, 2002, Dr. Orentreich loaned Richard \$250,000 (the "Loan").

7. The Loan was payable upon demand.

8. The Loan was made by check no. 2175, drawn on Dr. Orentreich's account at the Chase Manhattan Bank in New York. A copy of the check is annexed hereto as Exhibit A and incorporated herein by reference.

9. As demonstrated by Exhibit A, the check was made payable to Wayne Richard and referenced that it was a "loan."

10. The check was cashed by Richard and, upon information and belief, was deposited into Richard's personal account.

11. On February 18, 2004, counsel for Dr. Orentreich sent a demand for repayment of the Loan to Richard. A copy of the demand letter is annexed hereto as Exhibit B and incorporated herein by reference.

12. On information and belief, Richard received the demand for repayment, as shown in the fax receipt which is a part of Exhibit B.

13. Despite this due demand, Richard has not repaid the Loan.

14. As a result of the foregoing, there is a mature debt of \$250,000 owed by Richard to Dr. Orentreich.

#### **Count II – Unjust Enrichment**

15. Plaintiff repeats and realleges paragraphs 1 to 14 as if fully set forth.

16. As a result of Richard's failure to repay the \$250,000 loaned by Dr. Orentreich, Richard has been unjustly enriched to the detriment of Dr. Orentreich.

17. Under the circumstances, it is both unjust and inequitable for Richard to retain the \$250,000 since he has been unjustly enriched thereby.

**WHEREFORE**, Dr. Orentreich respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendant for:

- A. \$250,000 in principal;
- B. Pre-judgment interest from February 18, 2004;
- C. Plaintiff's reasonable fees and costs; and
- D. Such other and further relief as this Court finds just and proper.

Respectfully submitted,

NORMAN ORENTREICH, M.D.,

By its attorneys



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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

## APPENDIX C LOCAL COVER SHEET

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Norman Orentreich, M.D. v. Wayne Richard
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).
- |          |      |   |  |
|----------|------|---|--|
| —        | I.   | 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.  |  |
| —        | II.  | 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.               | *Also complete AO 120 or AO 121 for patent, trademark or copyright cases |
| <u>X</u> | III. | 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891. |  |
| —        | IV.  | 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.                                     |  |
| —        | V.   | 150, 152, 153.  |  |
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?
- YES ☐ NO ☒
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)
- YES ☐ NO ☒
- IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?
- YES ☐ NO ☐
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?
- YES ☐ NO ☒
7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).
- YES ☒ NO ☐
- A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?
- EASTERN DIVISION ☒ CENTRAL DIVISION ☐ WESTERN DIVISION ☐
- B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?
- EASTERN DIVISION ☐ CENTRAL DIVISION ☐ WESTERN DIVISION ☐

(PLEASE TYPE OR PRINT)

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